

## **Part 4**

### **Court Reporter Act**

#### **78A-2-401 Title.**

This part is known as the "Court Reporter Act."

Renumbered and Amended by Chapter 3, 2008 General Session

#### **78A-2-402 Definitions.**

As used in this part:

- (1) "Certified court reporter" has the same meaning as in Title 58, Chapter 74, Certified Court Reporters Licensing Act.
- (2) "Folio" means 100 words. A number expressed as a numeral counts as one word; however, any portion of the last folio is not counted.
- (3) "Official court transcriber" means a person certified in accordance with rules of the Judicial Council as competent to transcribe into written form an audio or video recording of court proceedings.

Amended by Chapter 34, 2010 General Session

#### **78A-2-403 Appointment of reporters -- Eligibility -- Oath -- Bond -- Action on bond.**

- (1) A person may not be appointed to the position of court reporter nor act in the capacity of a court reporter in any court of record of this state, or before any referee, master, board, or commission of this state without a currently valid license from the Division of Occupational and Professional Licensing as provided in Title 58, Chapter 74, Certified Court Reporters Licensing Act.
- (2) Before any person may act as a court reporter, the person shall:
  - (a) take, subscribe, and file the constitutional oath; and
  - (b) give a bond with sufficient surety, conditioned upon the faithful performance of all duties, in the sum of \$2,500, or larger sum if ordered by the judge.
- (3) The bond shall run to the state of Utah, but an action on it may be maintained by any person whose rights are affected by the failure of the reporter to perform the reporter's official duties.

Renumbered and Amended by Chapter 3, 2008 General Session

#### **78A-2-404 Contract restrictions.**

- (1) Any contract for court reporting services, not related to a particular case or reporting incident, is prohibited between a court reporter or any other person with whom a court reporter has a principal and agency relationship and any attorney, party to an action, or party having a financial interest in an action. Negotiating or bidding reasonable fees, equal to all the parties, on a case-by-case basis may not be prohibited.
- (2) A certified court reporter is an officer of the court whose impartiality shall remain beyond question.
- (3) This section does not apply to the courts or the administrative tribunals of this state.
- (4) Violation of this section shall be considered unprofessional conduct as provided in Sections 58-74-102 and 58-74-502, and shall be grounds for revocation of licensure only.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-2-405 Record of court proceedings.**

The Judicial Council shall by rule provide for the means of maintaining the record of proceedings in the courts of record by official court reporters or by electronic recording devices.

Amended by Chapter 34, 2010 General Session

**78A-2-408 Transcripts and copies -- Fees.**

- (1) The Judicial Council shall by rule provide for a standard page format for transcripts of court hearings.
- (2)
  - (a) The fee for a transcript of a court session, or any part of a court session, shall be \$4.50 per page, which includes the initial preparation of the transcript and one certified copy. The preparer shall deposit the original text file and printed transcript with the clerk of the court and provide the person requesting the transcript with the certified copy. The cost of additional copies shall be as provided in Subsection 78A-2-301(1). The transcript for an appeal shall be prepared within the time period permitted by the rules of Appellate Procedure. The fee for a transcript prepared within three business days of the request shall be 1-1/2 times the base rate. The fee for a transcript prepared within one business day of the request shall be double the base rate.
  - (b) When a transcript is ordered by the court, the fees shall be paid by the parties to the action in equal proportion or as ordered by the court. The fee for a transcript in a criminal case in which the defendant is found to be impecunious shall be paid pursuant to Section 77-32-305.
- (3) The fee for the preparation of a transcript of a court hearing by an official court transcriber and the fee for the preparation of the transcript by a certified court reporter of a hearing before any court, referee, master, board, or commission of this state shall be as provided in Subsection (2)(a), and shall be payable to the person preparing the transcript. Payment for a transcript under this section is the responsibility of the party requesting the transcript.

Amended by Chapter 48, 2014 General Session

**78A-2-409 Certified transcripts prima facie correct.**

A transcript of a certified court reporter's notes, written in longhand or typewritten, certified by the court reporter as being a correct transcript of evidence and proceedings, is prima facie a correct statement of the evidence and proceedings.

Amended by Chapter 34, 2010 General Session

**78A-2-410 Transcripts taxed as costs.**

A transcript may not be taxed as costs, unless the preparation of the transcript is ordered either by a party or by the court.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-2-411 Crimes.**

Any violation of the provisions of this chapter, except Section 78A-2-404, is a misdemeanor.

Renumbered and Amended by Chapter 3, 2008 General Session

